

To: Bahr, Ryan[bahr.ryan@epa.gov]; Bair, Rita[bair.rita@epa.gov]; Baltazar, Debbie[baltazar.debbie@epa.gov]; Cozza, Daniel[cozza.daniel@epa.gov]; Damato, Nicholas[damato.nicholas@epa.gov]; Davenport, Thomas[davenport.thomas@epa.gov]; Gluckman, Matthew[gluckman.matthew@epa.gov]; Henry, Timothy[henry.timothy@epa.gov]; Holst, Linda[holst.linda@epa.gov]; Hyde, Tinka[hyde.tinka@epa.gov]; Jann, Stephen[jann.stephen@epa.gov]; Kuefler, Patrick[kuefler.patrick@epa.gov]; Maraldo, Dean[Maraldo.Dean@epa.gov]; Marquardt, Steve[marquardt.steve@epa.gov]; Melgin, Wendy[melgin.wendy@epa.gov]; Nudelman, Alan[nudelman.alan@epa.gov]; Perenchio, Lisa[perenchio.lisa@epa.gov]; Pfeifer, David[pfeifer.david@epa.gov]; Pierard, Kevin[pierard.kevin@epa.gov]; Poy, Thomas[poy.thomas@epa.gov]; Rzeznik, Dana[rzeznik.dana@epa.gov]; Swenson, Peter[swenson.peter@epa.gov]; Tschampa, Andrew[tschampa.andrew@epa.gov]; Vantil, Barbara[vantil.barbara@epa.gov]
Cc: Ambutas, Kestutis[Ambutas.Kestutis@epa.gov]; Mulford, Eloise[mulford.eloise@epa.gov]; Ruppel, James[Ruppel.James@epa.gov]; Manville, Jennifer[manville.jennifer@epa.gov]
From: Horak, David
Sent: Tue 7/8/2014 2:30:15 PM
Subject: Request for RTOC topics by COB 7/10/14.

Ex. 5 - Deliberative

Here is the email from Darrel Harmon regarding Bad River's inquiry regarding CWA 404 (c).

From: Harmon, Darrel
Sent: Monday, June 23, 2014 8:18 AM
To: Cozza, Daniel; Horak, David
Subject: FW: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

Ex. 5 - Deliberative

thanks.....Darrel

From: Mike Wiggins Jr. [<mailto:BRtchair@badriver-nsn.gov>]

Sent: Friday, June 20, 2014 1:15 PM

To: Harmon, Darrel

Subject: Re: invitation to meet with US EPA Regional Administrator Susan Hedman on August 21, 2014

Agenda item - Clean Water Act 404c designation for the Bad River Watershed.

Mike Wiggins, Jr.

Other Tribal issues via Darrel:

6/10/14: WI Tribes

Hi Tinka: in recent meetings with tribal leaders, a few issues came up that you should be aware of. I don't know that we need to respond directly or formally to each issue, but I would like to be able to get back to the Chairmen in some manner to show that we are being responsive to their concerns. I am happy to discuss what makes the most sense if you wish.

Forest County Potawatomi Chairman Gus Frank and Mole Lake Sokaogon Chippewa Chairman Chris McGeshick believe that EPA is reducing 3000 employees nationwide and are worried about how that will affect our fulfilling our responsibilities to tribes. Will reductions slow down water quality TAS applications?

They are also interested in how tribes can participate in the permit review process, as governments and regulators? I also shared this question with ARD and ORC. I expect they are referring more to mining permits, but there could be implications for others.

Delegations to states – they expressed concern that with lower staffing, we might delegate tribal responsibilities to states. I explained that states do not have a role in federal-tribal relations and would not be delegated tribal responsibilities.

Lac Courte Oreilles – discussed leadership issues with senior environmental staff. Concerns include water quality standards and pollution from cranberry operations affecting lakes on the reservation. Chairman Isham expressed ongoing concerns regarding mining and ceded territory issues.

Bad River Band – Chairman Wiggins continues to be very concerned with Penokee Hills mining proposal and other mines in the area, particularly with the potential impact on the Bad River and great lakes cumulatively.

GLIFWC – met Ann Mcammon-Soltis and Jen Venator, Issues discussed as concerns to tribal leaders on the Board were climate change, great lakes protection and ceded territories.

5/7/14 Bay Mills

Hi Tinka: just want to let you know that during a recent meeting with the Bay Mills Indian Community environmental representatives, they expressed concerns over mercury in the water, sewage discharges to water from Canada, and the apparent increased use of pipelines in the area.

4/3/14: MN Tribes: Darrel sent response to Red Lake on 6/19/14

Hi Tinka: While meeting with tribal leaders last week a couple of issues were raised that I want to share with you. I know your staff has already addressed some of these, but there were some additional questions that I want to pass on to you. I did explain what I know of the issues, but also assured them that I would make sure you were aware of their questions.

I met with Red Lake Chairman Jourdain, DNR Director Al Pemberton and Administrative Office Dave Connor. Their questions were:

- 106 funding, any way to reduce year to year fluctuations (still not happy about the size of the cut, but that wasn't their question)
- How is 106 allocation calculated, in detail?

· Does the state allocation take or get credit (in funding allocations) for water resources/acres on the reservation?

As I am sure you are aware, they pointed out how their closed reservation means that no other agencies support (fund) or participate in the water management activities, and also that they have 59% of the trust land in Minnesota, placing what they see as a significant burden on available resources.

I met with Leech Lake Tribal Council member Leroy Fairbanks and Environmental Director Levi Brown. They expressed concern regarding set asides for tribes and maintaining national funding levels, and would like information on how those amounts could be adjusted. They also wanted to know if Minnesota is counting water within reservation boundaries in their grant requests; whether they count all waters in the state or just those not within reservation boundaries.

David Horak
Tribal Program Manager
State and Tribal Programs Branch
U.S. EPA Region 5
77 W. Jackson Blvd, WS-15J
Chicago, IL 60604
312-353-4306